

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA
Plaintiff,

v.

Case No. 04-CR-133

MARK ETINNE
Defendant.

ORDER

On October 16, 2008, in Case No. 04-CR-133, I sentenced defendant Mark Etinne to 60 months in prison on his guilty plea to distribution of 50 grams or more of crack cocaine. On October 28, 2009, in Case No. 09-CR-35, Judge Randa sentenced defendant to 60 months in prison on his guilty plea to distribution of 5 grams or more of crack cocaine, that sentence to run consecutive to the sentence I imposed in Case No. 04-CR-133. On March 12, 2013, I reduced the sentence in Case No. 04-CR-133 to 54 months on defendant's unopposed 18 U.S.C. § 3582(c)(2) motion, filed by counsel. On May 24, 2013, defendant, acting pro se, filed another § 3582(c)(2) motion in Case No. 04-CR-133. This motion, like the first, relies on Amendment 750 to the sentencing guidelines.

A defendant may not file more than one § 3582(c)(2) motion based on the same amendment to the sentencing guidelines. See United States v. Redd, 630 F.3d 649, 651 (7th Cir. 2011). Thus, a second motion filed in this case would have to be dismissed. However, it appears from the body of the motion that defendant actually seeks a reduction of the sentence imposed in Case No. 09-CR-35 but mistakenly filed under Case No. 04-CR-133. Therefore, rather than dismissing it, I will direct that the motion (R. 69) be re-docketed in Case No. 09-CR-

35 so that Judge Randa may review and take whatever action on the motion he deems appropriate.

SO ORDERED.

Dated at Milwaukee, Wisconsin, this 3rd day of June, 2013.

/s Lynn Adelman

LYNN ADELMAN
District Judge